

ORDINANCE NO. _____

This Ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code, relating to: (1) prohibiting all cannabis businesses or activities; and (2) imposing reasonable regulations on personal cannabis cultivation otherwise allowed by State law, while cannabis businesses and related activities are studied for potential impacts and regulation.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.08.030 is hereby amended to read as follows:

22.08.030 – C.

...

— “Campground” means a lot or parcel of land designed or used for tent camping, including picnic areas, but excluding any structures for permanent human occupancy.

— “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. “Cannabis” does not mean “industrial hemp” as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code. For the purpose of this Title 22, cannabis is classified as an agricultural product separately from other agricultural crops.

— “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

— “Cannabis delivery” means any activity involving the commercial transfer of cannabis or cannabis products from a cannabis retail store or a licensed microbusiness to a customer.

— “Cannabis distribution facility” means a facility where the business procures cannabis from licensed cultivators or manufacturers for sale to licensed cannabis retail stores.

— “Cannabis manufacturing” means any activity involving the production, preparation, propagation, or compounding of cannabis, or cannabis products, either directly or indirectly, or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a location that packages or repackages cannabis or cannabis products or labels or relabels its container.

— “Cannabis retail store” means a facility where cannabis and cannabis products are offered for retail sale, either individually or in any combination. Cannabis retail store also includes an establishment that delivers cannabis or cannabis products as part of a retail sale.

— “Cannabis testing laboratory” means a facility that offers or performs testing of cannabis or cannabis products.

...

SECTION 2. Section 22.08.130 is hereby amended to read as follows:

22.08.130 – M.

— “Major highway” means a road so designated on the Highway Plan which is a

heavily traveled route, requiring four or more traffic lanes and a standard right-of-way of 100 feet.

— “Marijuana.” See Cannabis.

— “Medical cannabis” means any product containing cannabis, including but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), pursuant to Section 11362.5 of the California Health and Safety Code. Medical cannabis does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

— “Medical marijuana.” See Medical cannabis.

...

— “May” is permissive.

~~— “Medical marijuana dispensary” means any facility or location which distributes, transmits, gives, or otherwise provides medical marijuana to qualified patients or primary caregivers in accordance with California Health and Safety Code section 11362.5 through section 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.~~

...

SECTION 3. Section 22.28.110 is hereby amended to read as follows:

22.08.140 – N

...

— "Nonconforming use" means any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time the ordinance codified in Title 22, or any amendment thereto, became effective, but which, due to the application of this title or any amendment thereto is a use not listed as permitted, accessory, director's review, or subject to permit in the zone in which it is located. "Nonconforming use" shall also include:

A. Uses reclassified from permitted to director's review or subject to permit in the same zone; and

B. Uses made nonconforming by the addition of a development standard previously not required for such use in the same zoning classification, where such added standard is specified to be a condition of use.

— "Nonmedical cannabis" means any product containing cannabis including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by adults 21 years or older pursuant to the AUMA.

...

SECTION 4. Section 22.28.110 is hereby amended to read as follows:

22.28.110 Uses Subject to Permits.

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~— Medical marijuana dispensaries, subject to the requirements of Section~~

~~22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

SECTION 5. Section 22.28.160 is hereby amended to read as follows:

22.28.160 Uses Subject to Permits.

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~—Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

SECTION 6. Section 22.28.210 is hereby amended to read as follows:

22.28.210 Uses Subject to Permits.

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~—Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries~~

pursuant to ~~Section 22.56.196.B.~~

...

SECTION 7. Section 22.28.260 is hereby amended to read as follows:

22.28.260 Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~— Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

SECTION 8. Section 22.32.070 is hereby amended to read as follows:

22.32.070 Uses Subject to Permits.

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

~~— Medical marijuana dispensaries, subject to the requirements of subsections D through H of Section 22.56.196, unless a ban is in effect for such dispensaries pursuant to subsection B of Section 22.56.196.~~

...

SECTION 9. Section 22.32.140 is hereby amended to read as follows:

22.32.140 Uses Subject to Permits.

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

~~— Medical marijuana dispensaries, subject to the requirements of subsections D through H of Section 22.56.196, unless a ban is in effect for such dispensaries pursuant to subsection B of Section 22.56.196.~~

...

SECTION 10.Section 22.32.190 is hereby amended to read as follows:

22.32.190 Uses Subject to Permits.

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

~~— Medical marijuana dispensaries, subject to the requirements of subsections D through H of Section 22.56.196, unless a ban is in effect for such dispensaries pursuant to subsection B of Section 22.56.196.~~

...

SECTION 11.Section 22.56.196 is hereby deleted in its entirety.

~~22.56.196 Medical Marijuana Dispensaries.~~

~~A. Purpose. This Section is established:~~

- ~~1. To ban medical marijuana dispensaries in all zones in the County; or~~
- ~~2. In the event that such a ban is held to be unlawful by a final decision of~~

~~a California Court of Appeal or the California Supreme Court, to regulate medical marijuana dispensaries in a manner that mitigates potential health, safety, and welfare impacts such dispensaries may have on surrounding properties and persons, consistent and in conformance with California Health and Safety Code section 11362.5 through section 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.~~

~~B. Prohibition. Subject to subsection C, below, it shall be unlawful for any person to use or allow to be used, including renting, leasing, or otherwise permitting, any property, as a medical marijuana dispensary as defined in Section 22.08.130 – M, in any zone in the County.~~

~~C. Court decision. If a California Court of Appeal or the California Supreme Court makes a final determination that a ban of medical marijuana dispensaries within an entire local jurisdiction is illegal, such as the ban set forth in subsection B, then the requirements for a conditional use permit as set forth in subsections D through H of this Section 22.56.196 shall be in effect and shall serve to regulate medical marijuana dispensaries in the County consistent and in conformance with the Compassionate Use Act of 1996 and the Medical Marijuana Program.~~

~~D. Application procedure.~~

~~1. County department review. In addition to ensuring compliance with the application procedures specified in Sections 22.56.020, 22.56.030, 22.56.040, 22.56.050, and 22.56.085, the Director shall send a copy of the application and related materials to the Department of Public Health, Sheriff's Department, Business License Commission, and all other relevant County departments for their review and comment.~~

~~2. Disclaimer. A warning and disclaimer shall be put on medical marijuana zoning application forms and shall include the following:~~

~~a. A warning that dispensary operators and their employees may be subject to prosecution under federal marijuana laws; and~~

~~b. A disclaimer that the county will not accept any legal liability in connection with any approval and/or subsequent operation of a dispensary.~~

~~E. Findings. In addition to the findings required in Section 22.56.090, approval of a conditional use permit for a medical marijuana dispensary shall require the following findings:~~

~~1. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;~~

~~2. That the requested use at the proposed location will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, place of religious worship, or library;~~

~~3. That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and~~

4. ~~That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.~~

F. ~~Conditions of Use. The following standards and requirements shall apply to all medical marijuana dispensaries unless a variance is granted pursuant to Part 2 of Chapter 22.56:~~

1. ~~Location.~~

a. ~~Dispensaries shall not be located within a 1,000-foot radius of schools, playgrounds, parks, libraries, places of religious worship, child care facilities, and youth facilities, including but not limited to youth hostels, youth camps, youth clubs, etc., and other similar uses.~~

b. ~~Dispensaries shall not be located within a 1,000-foot radius of other dispensaries.~~

2. ~~Signs.~~

a. ~~Notwithstanding the wall sign standards specified in subsection A of Section 22.52.880, dispensaries shall be limited to one wall sign not to exceed 10 square feet in area.~~

b. ~~Notwithstanding the building identification sign standards specified in subsection A.3 of Section 22.52.930, dispensaries shall be limited to one building identification sign not to exceed two square feet in area.~~

c. ~~Notwithstanding the provisions of subsection E of Section 22.52.880 and subsection C of Section 22.52.930, dispensary wall and building~~

identification signs may not be internally or externally lit.

~~d. All dispensaries shall display on their wall sign or identification sign, the name and emergency contact phone number of the operator or manager in letters at least two inches in height.~~

~~e. Dispensaries shall post a legible indoor sign in a conspicuous location containing the following warnings:~~

~~i. That the diversion of marijuana for non-medical purposes is a violation of state law;~~

~~ii. That the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery; and~~

~~iii. That loitering on and around the dispensary site is prohibited by California Penal Code section 647(e).~~

~~3. Hours of Operation. Dispensary operation shall be limited to the hours of 7:00 a.m. to 8:00 p.m.~~

~~4. Lighting.~~

~~a. Lighting shall adequately illuminate the dispensary, its immediate surrounding area, any accessory uses including storage areas, the parking lot, the dispensary's front facade, and any adjoining public sidewalk to the director's satisfaction.~~

~~b. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.~~

~~5. Graffiti. The owner(s) of the property on which a dispensary is located shall remove graffiti from the premises within 24 hours of its occurrence.~~

~~6. Litter. The owner(s) of a property on which a dispensary is located shall~~

provide for removal of litter twice each day of operation from, and in front of, the premises.

~~7. Alcohol prohibited. Provision, sale, or consumption of alcoholic beverages on the grounds of the dispensary, both interior and exterior, shall be prohibited.~~

~~8. Edibles. Medical marijuana may be provided by a dispensary in an edible form, provided that the edibles meet all applicable county requirements. In addition, any beverage or edible produced, provided, or sold at the facility which contains marijuana shall be so identified, as part of the packaging, with a prominent and clearly legible warning advising that the product contains marijuana and that is to be consumed only with a physician's recommendation.~~

~~9. On-site consumption. Medical marijuana may be consumed on-site only as follows:~~

~~a. The smoking of medical marijuana shall be allowed provided that appropriate seating, restrooms, drinking water, ventilation, air purification system, and patient supervision are provided in a separate room or enclosure; and~~

~~b. Consumption of edibles by ingestion shall be allowed subject to all applicable county requirements.~~

~~10. Devices for inhalation. Dispensaries may provide specific devices, contrivances, instruments, or paraphernalia necessary for inhaling medical marijuana, including, but not limited to, rolling papers and related tools, pipes, water pipes, and vaporizers. The above may only be provided to qualified patients or primary caregivers and only in accordance with California Health and Safety Code section 11364.5.~~

~~11. Security. Dispensaries shall provide for security as follows:~~

~~a. An adequate and operable security system that includes security~~

~~cameras and alarms to the satisfaction of the director; and~~

~~b. A licensed security guard present at all times during business hours. All security guards must be licensed and possess a valid department of consumer affairs "security guard card" at all times.~~

~~12. Cultivation and cuttings. Marijuana shall not be grown at dispensary sites, except that cuttings of the marijuana plant may be kept or maintained on-site for distribution to qualified patients and primary caregivers as follows:~~

~~a. The cuttings shall not be utilized by dispensaries as a source for the provision of marijuana for consumption on-site, however, upon provision to a qualified patient or primary caregiver, that person may use the cuttings to cultivate marijuana plants off-site for their own use and they may also return marijuana from the resulting mature plant for distribution by the dispensary.~~

~~b. For the purposes of this Section, the term "cutting" shall mean a rootless piece cut from a marijuana plant, which is no more than six inches in length, and which can be used to grow another plant in a different location.~~

~~13. Loitering. Dispensaries shall ensure the absence of loitering consistent with California Penal Code section 647(e).~~

~~14. Distribution of emergency phone number. Dispensaries shall distribute the name and emergency contact phone number of the operator or manager to anyone who requests it.~~

~~15. Minors. It shall be unlawful for any dispensary to provide medical marijuana to any person under the age of 18 unless that person is a qualified patient or is a primary caregiver with a valid identification card in accordance with California State~~

~~Health and Safety Code section 11362.7.~~

~~16. Compliance with other requirements. Dispensaries shall comply with applicable provisions of the California Health and Safety Code section 11362.5 through section 11362.83, inclusive, and with all applicable county requirements.~~

~~17. Additional conditions. Prior to approval of any dispensary, the director, hearing officer, or the regional planning commission may impose any other conditions deemed necessary for compliance with the findings specified in subsection D of this section.~~

~~18. Release of the county from liability. The owner(s) and permittee(s) of each dispensary shall release the county, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, or clients for violation of state or federal laws in a form satisfactory to the director.~~

~~19. County indemnification. The owner(s) and permittee(s) of each dispensary shall indemnify and hold harmless the county and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages or liabilities of any kind that may arise out of the distribution and/or on- or off-site use of marijuana provided at the dispensary in a form satisfactory to the director.~~

~~G. Previously existing dispensaries. Notwithstanding the provisions of Part 10 (Nonconforming Uses, Buildings and Structures) of Chapter 22.56, dispensaries determined not to be operating illegally which were established prior to the effective date~~

~~of this ordinance shall be brought into full compliance with the provisions of this Section within one year of the effective date of the ordinance establishing this Section.~~

~~H. Liability. The provisions of this Section shall not be construed to protect dispensary owners, permittees, operators, and employees, or their clients from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations of federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, nor does it, protect any of the above described persons from arrest or prosecution under those federal laws. Owners and permittees must assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from operation of a medical marijuana dispensary. Further, to the fullest extent permitted by law, any actions taken under the provisions of this section by any public officer or employee of the County of Los Angeles or the County of Los Angeles itself, shall not become a personal liability of such person or the liability of the County.~~

~~(Ord. 2016-0017 § 1, 2016; Ord. 2010-0062 § 7, 2010; Ord. 2006-0032 § 4, 2006.)~~

SECTION 12. Chapter 22.66 is hereby added to read as follows:

Chapter 22.66 – CANNABIS

22.66.010 Purpose and Intent

This Chapter prohibits any cannabis business or activity, and imposes reasonable regulations on personal cannabis cultivation as allowed by State law while cannabis businesses and related activities are studied for potential impacts and regulation.

22.66.020 Cannabis Businesses or Activities – Prohibited

Except personal cannabis cultivation as defined in § 22.66.040, the establishment, maintenance, or operation of any cannabis business or activity, including but not limited to, cannabis cultivation, manufacturing, distribution, laboratory testing, and retail sales, is prohibited in all zones within the unincorporated area of the County of Los Angeles.

22.66.030 Renting, Leasing, and Permitting Cannabis Businesses – Prohibited

Except personal cannabis cultivation as defined in § 22.66.040, the renting, leasing, and/or permitting the use of property for any cannabis business or activity including but not limited to, commercial cannabis cultivation, manufacturing, distribution, laboratory testing, and retail sales, is prohibited in all zones within the unincorporated County of Los Angeles.

22.66.040 Personal Cannabis Cultivation

Personal cannabis cultivation may be established and maintained accessory to a legally established dwelling unit, as set forth in this Chapter and under State law.

A. Single Family Residences and Detached Residential Condominium Projects. A single family residence or a dwelling unit in a detached residential condominium project may cultivate cannabis for personal use, subject to the following standards:

1. Cannabis cultivation shall not be visible from a public right-of-way, private drive or fire lane.
2. Cannabis cultivation areas shall be fully enclosed in a locked space.
3. Cannabis cultivation whether conducted indoors or outdoors shall be limited to six plants per residence. If a lot is legally improved with a single family residence

and an accessory dwelling unit, no more than a total of six plants between the two may be cultivated outdoors upon the grounds on that lot.

4. Outdoor Cultivation shall be subject to the following additional standards:

a. Cannabis cultivation shall be limited to a maximum of six plants per lot.

b. Cannabis plants may not exceed a maximum height of six feet.

c. Cannabis cultivation is prohibited within the required front yard setback.

d. Cannabis cultivation shall not be any closer than 10 feet from the side yard and rear yard property lines.

e. Cannabis cultivation areas shall be within an area that is fully enclosed and secured by a solid wall or fence.

i. All fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of six feet in height, not to exceed the height limit of the zone, community standards district, or other more restrictive requirement applicable to the lot.

ii. All fences and walls shall be constructed with masonry, wood, or similar materials as approved by the Director. Chain link fencing for the screening, enclosing, or securing of cannabis cultivation areas is prohibited.

iii. All fences and walls shall be constructed in a workmanlike manner.

iv. All fences and walls shall be a uniform neutral color.

excluding black, which blends with the surrounding terrain and improvements, and shall be maintained in a neat, orderly condition at all times.

B. All Other Residences. Two-family residences and dwelling units in an apartment house and attached residential condominium projects are expressly prohibited from establishing outdoor cannabis cultivation for personal use. Outdoor cannabis cultivation includes, but is not limited to, cultivation on balconies, patios, common areas, and walkways. Indoor cannabis cultivation is permitted subject to the following standards:

1. Cannabis cultivation shall not be visible from a public right-of-way or a private drive or fire lane.
2. Cannabis cultivation shall be limited to a maximum of six plants per dwelling unit.
3. Cannabis cultivation areas shall be fully enclosed in a locked space.